



WEB COPY



CRL OP NO. 31038 of 2024
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31038 of 2024

PRABHU

S/o.Thangarasu, Door No. 1178, Sengalipalayam,
Kunnathur, Tiruppur District, . Tamil Nadu -638
103.

Petitioner(s)

Vs

The State of TamilNadu Through.
TheInspector of Police, Sulthanpettai Police
Station, Coimbatore. (Crime No. 348 of 2024)

Respondent(s)

Prayer : Criminal Original Petition filed Under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioner on bail in the event of his arrest by the respondent in Crime No. 348 of 2024 on the file of the respondent police.

For Petitioner(s):

Deepan Uday
V.K.Vengadesh Durairaja

For Respondent(s): Mr.S.Santhosh, Govt.Adv. Crl.Side

ORDER



Apprehending arrest in connection with Crime No.348/2024

registered for the offences punishable under Sections 303(2), 62 of BNS and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, the present petition has been filed by the petitioner seeking anticipatory bail.

2. The case of the prosecution is that the petitioner was operating a quarry in Survey Nos.168/2A and 168/2B after the expiry of its permit. When the same was questioned by the respondent police, the driver of the vehicle bearing Registration No. TN-72-X-2712, fled from the quarry. The respondent police seized the vehicle. Hence the case.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He further submits that the petitioner is innocent and he has been falsely implicated in this case. He also submits that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.10,000/- to any welfare scheme of the Government or any other organization. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court. He further submits



WEB COPY

that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

4. The case of the prosecution, as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner was operating a quarry in Survey Nos.168/2A and 168/2B after the expiry of its permit. When the same was questioned by the respondent police, the driver of the vehicle bearing Registration No. TN-72-X-2712, he fled from the quarry. The respondent police seized the vehicle. He further submits that there is no previous case is pending against the petitioner.

5. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of the "**District Legal Services Authority, Coimbatore,**" without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.



WEB COPY

6. Further, having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, he is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sulur, Coimbatore District on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, with two sureties each for a like sum to the satisfaction of the respondent Police or the Police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.



[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

12-12-2024

To

1. The State of TamilNadu Through.
TheInspector of Police,
Sulthanpettai Police Station,
Coimbatore. (Crime No. 348 of 2024)

A.D.JAGADISH CHANDIRA, J.

MSM



WEB COPY



Crl.O.P.No.31038/2024

12.12.2024